

SEP 13 2006

## TRANSMITTAL SHEET AND FEE CALCULATION

Attorney Docket No.	13282-2	First Name of Inventor/Att.	Clarke
Filing Date No.	09/989,682	Filing Date	November 20, 2001
Examiner	Weinstein, Stephen L.	Group Art Unit	1761

This Transmittal Sheet is accompanied by

Reply to Office Action mailed June 16, 2006; Petition to Remove Finality of Office Action; and Notice of Appeal

*42 pages Total.*

Fee Calculations Applicant is a Small Entity

	Applicable Fee	Fee Paid
(1) Filing fee	690/345	(\$)

## (2) Extra claim fees

	No. in Specification or after Amendment	No. included in Prior Patent or Application	No. Extra	Applicable Fee	Fee Paid
Total Claims	11	- 25 =	0	x 18/9 (ea)	
Independent Claims	2	- 3 =	0	x 86/43 (ea)	
Multiple dependent claim(s) presented for first time (c)			No	290/145	
Subtotal (2) Extra claim fees				(\$)	

## (3) Additional or other fees

	Fee Paid
Extension for Reply	
Surcharge for providing Declaration late (37 CFR 1.492 (e)) -- Small Entity	
Petition to Commissioner (\$130)	130
Notice of Appeal	250
Subtotal (3) Additional or other fees	\$380

**Total Fees**

Total Fees Submitted (Sum of Subtotals (1), (2), and (3))	\$380
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**Authorization to Charge Deposit Account for Fees**

The Assistant Commissioner for Patents is hereby authorized to charge the above fees and any additional fees required under 37 CFR §§ 1.16 and 1.17, and credit any overpayments to, the following deposit account.

Deposit Account No: 19-2090

Deposit Account Name: Sheldon &amp; Mak

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b>	
<b>UNDER 37 CFR 1.8</b>	
I hereby certify that this paper is being sent by facsimile transmission to the United States Patent and Trademark Office (571-273-8300) on September 14, 2006.	
Typed name of person signing this certificate: T. H. P. Richardson, Reg. No. 28,805, Tel No. 650 854 6304	
Signature	
<i>T. H. P. Richardson</i>	

Respectfully Submitted,

Name T. H. P. Richardson  
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 Suite 900  
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SEP 13 2006

Docket No. 13282-2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY**

Sir.

20 This paper is filed in reply to the Office Action mailed June 16, 2006, which is a  
final rejection. Attached hereto are

- (1) a Petition to Remove the Finality of the Office Action, and  
(2) a Notice of Appeal.

Both the Petition and the Notice of Appeal are conditional, in the sense that neither will be required if the Examiner allows the application or withdraws the finality of the Office Action, for the reasons set out at the beginning of the Remarks/Arguments section below, and the Notice of Appeal will be required only if the Examiner refuses to allow the application and refuses to withdraw of the finality of the Office Action, and the Petition is denied. However, there appears to be no procedure which makes the Petition and/or the Notice of Appeal conditional in a formal sense, i.e. a procedure such that their filing (and the accompanying payment of the fees) can be made dependent upon the outcome of the Examiner's further examination.

Reexamination, reconsideration and allowance are respectfully requested in view of the Amendments and Remarks below.

**CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that this paper is being sent by facsimile transmission to the United States Patent and Trademark Office.

I hereby certify that this paper is being served (531-222-8300) on September 14, 2006.

(511-273-8300) on September 14, 2006  
To mail home or person signing this certificate: T. H. P. Richardson, Reg No. 28,805, Tel No. 650 854 6304

### Typed name signature

ber 14, 2006  
ing this certificate: T. H. P. Richardson

**Amendments to the Specification**

There are no amendments to the specification.

- 5 **Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Remarks/Arguments** begin on page 6 of this paper